

REMARKS

The Office Action mailed July 31, 2003 has been reviewed and carefully considered. The Examiner's reconsideration is respectfully requested in view of the above amendments and the following remarks. Claims 1-15 are pending in the present application. Claims 1, 3 and 9 have been amended. New claims 14-15 have been added. No new matter has been introduced.

The Applicant acknowledges with appreciation the Examiner's indication that claim 2 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By the office action, claim 1 was objected to due to typographical error. Applicant has replaced "actions" in line 2 with "action" as suggested by the Examiner. In addition, Applicant notes that claim 9 was amended to correct a similar error. Withdrawal of the objection is respectfully requested.

Claims 1-13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicant has amended all instances of "a body/chassis" in claims 1 and 9 to read "a body." It is believed that such amendment obviates this rejection. Claims 2-8 depend from and include all the limitations of claim 1 and claims 10-13 depend from and include all the limitations of claim 9. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claims 1, 3-5, 7, 9-10 and 12 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,429,543 to Tilbor et al. (hereinafter Tilbor '543).

Applicants respectfully submit that Tilbor '543 fails to disclose or suggest the subject matter of independent claims 1 and 9.

The Examiner has cited Tilbor '543 and alleges that Tilbor '543 teaches, ^{Concise} *inter alia*, at least one front gyroscopic action wheel and means for selectively driving the gyroscopic action wheel at speeds to create a gyro effect at each of the wheels. Applicant respectfully disagrees. Tilbor '543 focus is on providing a toy vehicle having the acceleration capabilities of a wheeled vehicle combined with the zero turning radius capability of a tracked vehicle. As such, Tilbor '543 discloses a toy vehicle designed to be able to turn (spin) rapidly, e.g., on only a middle pair of wheels. This spinning on the middle wheels alone is desirable to eliminate scuffing by and dragging of the other front wheels 21, 22 and rear wheels 25, 26. *See* Col. 5, lines 45-50. This is accomplished via a specific design in which at least only the middle pair of wheels is motorized, wherein the motor means can drive the middle pair in the same linear direction or drive each wheel in opposite linear directions simultaneously. When the latter driving effect is invoked, this results in the vehicle spinning rapidly on the middle pair of wheels.

Tilbor '543 fails to disclose or suggest however, wherein both front and rear wheels are gyroscopic actions wheels, and moreover, fails to disclose, suggest or imply gyroscopic action wheels driven at speeds to create a gyro effect at each wheel, said gyro effect generating centrifugal forces at each wheel, wherein the centrifugal forces are transformed in torque reactions on the entire toy when at least one of said gyroscopic action wheels is instantaneously reversed, essentially as claimed in claims 1 and 9.

Advantageously, the present invention utilizes not only the stabilization effects of the claimed gyro action wheels (which includes at least one front gyro action wheel), but

in part and in fact, the present invention also utilizes the destabilization of such energy (caused by, e.g., the instantaneous reversal of at least one gyro action wheel) to create novel and desired stunt effects. The present invention's use of gyro action wheels in both the front and rear of a vehicle results in placing large flywheels at all wheel positions of the vehicle. This ultimately makes possible the significantly larger range of stunt maneuvers and capabilities of the present invention, which include controlled wheelies, rolling, instantaneous flipping in either direction including barrel rolling, end over end rolls and edge running.

In contrast, the stunt effects in Tilbor '543 are relatively limited and are created by driving each middle wheel in opposite directions simultaneously. Tilbor '543 makes no mention or disclosure of gyro effects being created and harnessed, e.g., to generate centrifugal forces and torque reactions, and wherein such forces are then taken advantage of to produce the desired wide range of stunt effects (e.g., flipping, rolling, etc.), as disclosed and claimed in the present invention.

Additionally, it is readily apparent that Tilbor '543 makes no mention of an instantaneous (or for that matter, any type of) reversal of at least one gyroscopic wheel (or any wheel), as claimed in the present invention. Such instantaneous reversal comprises, e.g., an instant change in linear direction of the gyroscopic wheel (e.g., while a vehicle is moving, stopping the vehicle and reversing the wheels instantaneously). It is to be noted that such action is one of the critical factors which enable the desired stunt effects in the toy vehicle of the present invention.

Indeed, not only does Tilbor '543 fail to disclose or suggest at least the claimed features of producing and harnessing gyro effects and wheel reversal of the present

invention, the preferred design of Tilbor '543 in its goal of inducing and providing spinning and turning effects, makes it virtually structurally impossible for its toy vehicle to generate or harness any gyro effect/torque reaction sufficient to create the stunt effect of the present invention. As discussed above, Tilbor '543 makes no disclosure of the use of gyro action wheels at all wheel positions and the harnessing of the forces created by the instantaneous reversal of at least one of said gyro wheels. Thus, Tilbor '543 is methodologically precluded from causing e.g., flipping effects. The addition of front wheels 21, 22 in its preferred embodiment, which are not normally intended to be ground-contacting and which are mounted for free and independent rotation, actually significantly impede any ability for the vehicle 10 to flip, even if any gyro effect/torque reaction was arguably somehow able to be generated in the vehicle 10.

Overall, the system of Tilbor '543 focuses on achieving its desired stunt effects by essentially balancing a vehicle via the rapid simultaneous driving of each of a pair of ground contacting wheels in opposite directions such that the vehicle rotates in an upright position on such wheels. In contrast, the present invention focuses on using the destabilization effects caused by the centrifugal forces generated on the toy by the instantaneous reversing of a flywheel, which essentially causes a vehicle to become "unbalanced" and e.g., flip over "upside down".

Accordingly, claims 1 and 9 are believed to be patentable and nonobvious over Tilbor '543 for at least the reasons stated above. Claims 3-5, 7 and 10, 12 depend either directly or indirectly on claims 1 and 9, respectively, and as such, the dependent claims are believed to be patentable and nonobvious for at least the reasons given above for claims 1 and 9.

Next, claims 6 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tilbor in view of U.S. Patent No. 5,919,075 to George et al. (hereinafter George). In addition, claims 8 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tilbor in view of U.S. Patent No. 6,024,627 to Tilbor et al. (hereinafter Tilbor '627). The rejection of claims 6, 8 and 11, 13 is based, in part, on the Examiner's contention that Tilbor '543 discloses or suggests the feature of claims 1 and 9, from which such claims respectively depend. Without addressing the specific rejections, however, it is clear that the combination of Tilbor '543 with George and/or Tilbor '627 in any combination is legally deficient since, at the very least, as explained above, Tilbor '543 does not disclose or suggest the features of claims 1 and 9 from which claims 6, 8 and 11, 13 depend.

Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a), and early allowance of pending claims 1-15 on the merits.

CONCLUSION

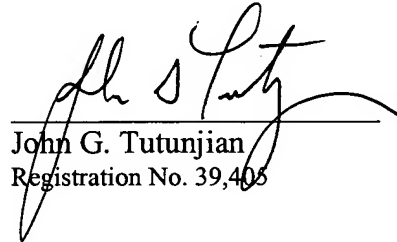
In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-15 are patentable and nonobvious over the cited references. Consequently, the Applicant respectfully requests reconsideration and withdrawal of the rejections and allowance of the application. Such early and favorable action is earnestly solicited.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,

Date: 10/30/03

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